

CHAPTER 2
COURT COSTS

COURT COSTS TO BE CHARGED (Effective July 1, 1997)

<u>Case Type</u>	<u>Case Class Code</u>	<u>Total Cost 100%</u>	<u>Due State Semiannually 55%</u>	<u>Due County Monthly 20%</u>	<u>Due City/Town Monthly 25%</u>
Criminal Actions [IC 33-19-5-1] (Note 1):					
Criminal Felony	CM	\$ 120.00	\$ 66.00	\$ 24.00	\$ 30.00
Criminal Misdemeanor	CM	\$ 120.00	\$ 66.00	\$ 24.00	\$ 30.00
Miscellaneous Criminal	MC	\$ 120.00	\$ 66.00	\$ 24.00	\$ 30.00
Judgments [IC 33-19-5-2] (Note 2):					
Infractions	IF	\$ 70.00	\$ 38.50	\$ 14.00	\$ 17.50
Local Ordinance Violations	OV	\$ 70.00	\$ 38.50	\$ 14.00	\$ 17.50
Juvenile Proceedings [IC 33-19-5-3] (Note 3, Note 4):					
Juvenile CHINS	JC	\$ 120.00	\$ 66.00	\$ 24.00	\$ 30.00
Juvenile Delinquency	JD	\$ 120.00	\$ 66.00	\$ 24.00	\$ 30.00
Juvenile Paternity	JP	\$ 120.00	\$ 66.00	\$ 24.00	\$ 30.00
Juvenile Miscellaneous	JM	\$ 120.00	\$ 66.00	\$ 24.00	\$ 30.00
Civil Actions [IC 33-19-5-4]:					
Civil Plenary	CP	\$ 100.00	\$ 55.00	\$ 20.00	\$ 25.00
Miscellaneous	MI	\$ 100.00	\$ 55.00	\$ 20.00	\$ 25.00
Domestic Relations	DR	\$ 100.00	\$ 55.00	\$ 20.00	\$ 25.00
Mental Health	MH	\$ 100.00	\$ 55.00	\$ 20.00	\$ 25.00
Adoptions	AD	\$ 100.00	\$ 55.00	\$ 20.00	\$ 25.00
Small Claims [IC 33-19-5-5]:					
Small Claims	SC	\$ 35.00	\$ 19.25	\$ 7.00	\$ 8.75
Probate and Related Proceedings [IC 33-19-5-6] (Note 4):					
Estates	ES	\$ 120.00	\$ 66.00	\$ 24.00	\$ 30.00
Guardianships	GU	\$ 120.00	\$ 66.00	\$ 24.00	\$ 30.00
Trusts	TR	\$ 120.00	\$ 66.00	\$ 24.00	\$ 30.00

- Note 1. Instead of criminal costs fees prescribed by IC 33-19-5-1, the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-14-1-7 requires the payment of those fees by the accused person. The pretrial diversion program fee is an initial user's fee of fifty dollars (\$50.00) and a monthly user's fee of ten dollars (\$10.00) for each month that the person remains in the pretrial diversion program. [IC 33-19-5-1(c)]

In addition, IC 33-19-6-16.2 requires the defendant to pay court costs of fifty dollars (\$50.00) where the court defers prosecution under IC 33-14-1-7.

The fifty dollars (\$50.00) would be distributed as follows:

Total Cost	State Semiannually	Due County Monthly	Due City/Town Monthly
100%	55%	20%	25%
<u>\$ 50.00</u>	<u>\$ 27.50</u>	<u>\$ 10.00</u>	<u>\$ 12.50</u>

- Note 2. Instead of the infraction or ordinance violation costs prescribed by IC 33-19-5-2, the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is an initial user's fee of not to exceed fifty-two dollars (\$52.00) and a monthly user's fee of not to exceed ten dollars (\$10.00) for each month the person remains in the deferral program. [IC 33-19-5-2(e)]

In addition, IC 34-28-5-1 requires the defendant in the action to agree to pay court costs of twenty-five dollars (\$25.00) to the clerk of the court if the action involves a moving traffic offense (as defined in IC 9-13-2-110).

The twenty-five dollars (\$25.00) would be distributed as follows:

Total Cost	State Semiannually	Due County Monthly	Due City/Town Monthly
100%	55%	20%	25%
<u>\$ 25.00</u>	<u>\$ 13.75</u>	<u>\$ 5.00</u>	<u>\$ 6.25</u>

- Note 3. Instead of the court costs fees prescribed by IC 33-19-5-3, the juvenile court may order each child who participates in a program of informal adjustment or the child's parents to pay an informal adjustment program fee of at least five dollars (\$5.00) but not more than fifteen dollars (\$15.00) for each month that the child participates in the program.

The probation department for the juvenile court shall collect the informal adjustment program fee. The probation department shall transfer the informal adjustment program fees to the county auditor, within thirty (30) days after they are collected, for deposit by the auditor in the county user fee fund established under IC 33-19-8-5. [IC 31-44-8-8]

- Note 4. It is doubtful that a city or town court has jurisdiction to hear such proceedings. Since IC 33-19-7-4 includes such distributions by city and town courts, they have been included for information purposes only.